



Town Of Amenia

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Planning Board Workshop March 25, 2010

Members Present: William Flood
Nina Peek
James Walsh
Joseph Fontaine

Absent : Anthony Robustelli
Gorge Fenn
Peter Clair

Also Present Attorney Michael Hayes

Lippincott/Cawley Boundary Line Change Tower Hill Road, Amenia

Represented by Kirk Horton, Land Surveyor
Also Present, applicant Mr. Lippincott

Attorney Hayes has reviewed the documents provided by Mr. Horton, and the relevant provisions of the subdivision regulations and zoning law. Mr. Hayes and explained to the Board that the two flag lots when created the subdivisions were approved using the Planning Board's waiver authority under section 105-33 of the subdivision regulations. However, those approvals were granted prior to the adoption of the comprehensive plan update and the new zoning law in 2007. There is a question regarding that general waiver authority would still be available to approve more than one flag lot in a subdivision of this size under the new zoning law.

In the event that a waiver authority was still available under the circumstances of this two-flag lot application, the Limited Development Subdivision created by the new zoning law is a better vehicle for consideration of this application than the Planning Board's general waiver authority.

The waiver authority requires a determination by the Planning Board that certain requirements of the subdivision law are not required in the public health, safety or welfare. This is a fairly generic standard that does not provide the Planning Board.

By comparison, the Limited development Subdivision provisions contained in section 121-22 of the zoning law provide the Planning Board with a much clearer set of standards with which to evaluate this application.

In order to qualify for approval as a Limited Development Subdivision, an application must:

- (1) Have minimum lot sizes of 20 acres or 4 times the minimum lot size required by the zoning district, whichever is greater;
- (2) Place a perpetual conservation easement on the property that maintains its natural and scenic qualities and restricts building in locations deemed to be environmentally or visually sensitive.
- (3) Construct a common driveway that provides adequate access for all emergency vehicles (common driveways are permitted for an application of this size).
- (4) Limit future subdivision so that no additional lots can be generated from property than could be currently created through conventional subdivision.

The property is in the RA zone. The minimum lot size in the RA zone for a conventional subdivision is 10 acres. The application proposes creation of two lots of 45 acres and 62 acres. Accordingly, the minimum lot size requirement for a Limited Development Subdivision is satisfied by this application.

The applicant has produced a proposed conservation easement. Accordingly, it is clear that the applicant is prepared to consider placement of a conservation easement on his property. Whether a conservation easement can be developed that maintains the level of protection of natural and scenic resources that the Planning Board deems necessary remains an open question that the Planning Board will need to explore if the applicant decides to proceed..

It is unclear whether the proposed common driveway would provide adequate access for emergency vehicles. This is a question the Planning Board will need to explore if the applicant decides to proceed.

Due to the absence of sufficient road frontage, it appears that in a conventional subdivision the maximum potential development potential of the property that is the subject of this application would be two lots. Accordingly, an approval of this application as a Limited Development Subdivision would need to include a no-future-subdivision requirement as a condition on the subdivision plat and as a deed restriction on the individual lots.

Dutchess County Land Conservancy has approved building envelopes on the parcel with the provisions that you may build one main house and a guest house. The Board would like to see that those envelopes are not in the SPO.

The length of the driveway is 4,000 with grades close to 15%. Although the building inspector has seen the drive way, the Board would like to have the Wassaic Fire Chief's review and approval.

Applicant will resubmit the application as a Limited Development Subdivision; have the Wassaic Fire Company review the driveway; further look into the length of the driveway and if a waiver is necessary; Note on the map no building in the SPO; address the grades of the driveway and submit the Conservation Easement to M. Hayes for his review. The only building envelopes that will be show on the application will be those that the main house and any further accessory building structures must seek planning board approval.

Turkey Hollow Inc., Site Plan Review for Timber Harvesting **4754 Rt. 44**
Represented by Doug Ramey, Forester **Amenia**

Matter postponed until April 1, 2010

Workforce Housing Discussion with DF Wheeler

Matter postponed until April 1, 2010

Other Matters

Chairman updated the board of his recent correspondences and of upcoming training classes.

Motion to adjourn
Motion made by N. Peak seconded by J. Walsh
All in favor

Respectfully submitted,

Dawn Marie Klingner
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from the meeting held on March 25, 2010

_____X_____ Approved as read
 _____ Approved with deletions, corrections, additions